

Subpart—Exotic Bee Diseases and Parasites

SOURCE: 50 FR 24172, June 10, 1985, unless otherwise noted.

§ 319.76 Restrictions on importation of restricted articles; disposal of articles refused importation.

(a) No person may import any restricted article unless in conformity with all of the restrictions in this subpart.

(b) Any article refused importation for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If the article is not promptly safeguarded, removed from the United States, or abandoned for destruction by the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

(c) A restricted article may be imported without complying with other provisions under this subpart if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville MD 20705, or at a port of entry designated by an asterisk in § 319.37-14(b);

(3) Imported pursuant to a departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, shipment, disposal; and

(5) Imported with a departmental tag or label securely attached to the outside of the container or securely attached to the article itself if not in a container, and with such tag or label

bearing the name of the person to whom the permit is issued.

(Approved by the Office of Management and Budget under control number 0579-0072)

[50 FR 24172, June 10, 1985, as amended at 59 FR 67133, Dec. 29, 1994; 66 FR 21057, Apr. 27, 2001]

§ 319.76-1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed respectively, to mean:

Bee. Any member of the superfamily Apoidea.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspector Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

Exotic bee diseases. Bee diseases of foreign origin, including but not limited to *Aspergillus* spp., *Bacillus* spp., *Entomophthora* spp., *Beauveria* spp., *Cordyceps* spp., and *Saccharomyces* spp.

Exotic bee parasites. Bee parasites of foreign origin, including but not limited to *Coelioxys* spp. and *Chrysis* spp., *Varroa jacobsoni*, *Euvarroa sinhai*, *Tropilaelaps clareae*, and *Acarapis woodi*.

Import (importation, imported). To import or move into the United States.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with law to enforce the provisions of this subpart.

Person. Any individual, corporation, company, society, association, or any other organized group.

Plant pest. The egg, pupal, and larval stages as well as any other living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, or other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any

plants or parts thereof, or any processed, manufactured, or other products of plants.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his or her stead has been or may hereafter be delegated.

United States. The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[50 FR 24172, June 10, 1985, as amended at 66 FR 21057, Apr. 27, 2001]

§ 319.76-2 Restricted articles.

The following articles from any country or locality other than Canada are restricted articles:

- (a) Live bees, other than honeybees of the genus *Apis*, in any life stage;¹
- (b) Dead bees of any genus;
- (c) Used bee boards, hives, nests, and nesting material;
- (d) Used beekeeping equipment, e.g. smokers, hive tools, gloves or other clothing, and shipping containers;
- (e) Beeswax, unless it has been liquefied;
- (f) Pollen for bee feed; and
- (g) Honey for bee feed.

[50 FR 24172, June 10, 1985, as amended at 60 FR 6000, Feb. 1, 1995]

§ 319.76-3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessments and Taxonomic Support, 4700 River Road Unit 133, Riv-

erdale, Maryland 20737-1236, and should be submitted at least 30 days prior to arrival of the article at the U.S. port of entry. The completed application does not have to be on any particular form but must indicate that it is an application for a written permit, and include the following information:

- (1) Name, address, and telephone number of the importer;
- (2) Approximate quantity and kinds of articles intended to be imported;
- (3) Country or locality of origin;
- (4) Intended United States port of entry;
- (5) Means of transportation; and
- (6) Expected date of arrival.

(c) A permit indicating the applicable conditions for importation under this subpart will be issued by Plant Protection and Quarantine Programs if, after review of the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. However, even if such a permit is issued, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no remedial measures pursuant to section 414 of the Plant Protection Act (7 U.S.C. 7714) are necessary with respect to the regulated article.²

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he or she determines that the permit holder has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within 20 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal in writing, stating the reasons

¹Regulations regarding the importation of live honeybees of the genus *Apis* are set forth in 7 CFR part 322.

²An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).